

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

10 ANDRE C. SHAW,) CASE NO. CV 10-2811-DDP (PJW)
11 Petitioner,)
12 v.) ORDER ACCEPTING REPORT AND
13 LELAND MCEWEN, ACTING WARDEN,) RECOMMENDATION OF UNITED STATES
14 Respondent.) MAGISTRATE JUDGE AND DENYING
15) CERTIFICATE OF APPEALABILITY

16 Pursuant to 28 U.S.C. Section 636, the Court has reviewed the
17 Petition, records on file, and the Report and Recommendation of the
18 United States Magistrate Judge. Further, the Court has engaged in a
19 *de novo* review of those portions of the Report to which Petitioner has
20 objected. The Court accepts the findings and recommendation of the
21 Magistrate Judge.

22 Further, for the reasons stated in the Report and
23 Recommendation, the Court finds that Petitioner has not made a
24 substantial showing of the denial of a constitutional right and
25 therefore, a certificate of appealability is denied. See 28 U.S.C.

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1 § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S.
2 322, 336 (2003).

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4 DATED: May 8, 2012.



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7 DEAN D. PREGERSON
8 UNITED STATES DISTRICT JUDGE
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